

Carpenter
MC 00134
Accounting Review

Accounting or status report not filed yet.

Spencer
MC 00149

Petition for Appointment of Conservator, person & estate, by mother

1. Temporary letters for person issued on 12-5-03.
2. Need to file Notice of Hearing and Proof of Service.
3. Need Court Investigator report.
4. Requesting special powers under PC 1873 and 1901 (contracts and marriage), but no attachment indicating why needed. Also seeking independent power, but no specification of the powers or need.
5. Contending that proposed conservatee lacks medical consent capacity. Need to file medical declaration.
6. Seeking an order placing the proposed conservatee in lock down facility. A person may not be civilly committed against their will unless the procedures from Welfare & Institutions Code Sections 5150 and 53050 are followed, which has not happened here.
7. Can get restricted placement for dementia, but petition doesn't ask for dementia powers. If seeking dementia powers, then counsel must be appointed. Also, proposed conservatee must appear at hearing.
8. Box 8 not filled out regarding proposed conservatee appearing at hearing.

9. Requests no bond because petitioner is the payee of disability payments. Every person appointed to be conservator of estate must file a bond. PC 2320. Court may waive for good cause, only. PC 2321. If estate consists solely of public benefits, bond may be waived if the value of the estate is less than \$7500, the monthly income is less than \$1000 (excluding benefits) and all the money is being spent on the conservatee. But here the amount of the estate exceeds \$9500 and it is impossible to tell the origin of the income; it may be from a lawsuit which is outside the scope of the waiver statute. Petition not clear enough to grant waiver on public benefit basis.

Fahey

MC 00150

Petition for Appointment of Conservator, person & estate, by sister

1. Temporary letters for person issued on 12-5-03.
2. Need Court Investigator report. Notice of Hearing and Proof of Service does not show service on CI.
3. Did not fill out section regarding bond. Every person appointed to be conservator of estate must file a bond. PC 2320. Court may waive for good cause, only. PC 2321. If estate consists solely of public benefits, bond may be waived if the value of the estate is less than \$7500, the monthly income is less than \$1000 (excluding benefits) and all the money is being spent on the conservatee. Here, the estate is alleged to be \$4000. No info regarding source of current money, although there is an indication of public benefits payments. Is the Conservatorship being sought so that the sister can use the monthly income to pay herself for room and board of the proposed conservatee? Is there a plan regarding placement of the brother?
4. Seeking medical powers. Need to file medical declaration.
5. Is there a question regarding dementia? No such powers requested in the petition, but does seek psychiatric exam.

6. Requesting independent powers, but did not fill out Attachment 1d regarding specific powers requested and need.
7. Did not fill out Box 8, 9.
8. Are the parents still alive? If so, they require notice.

Guthrie
MG 00224
OSC re: Review

Review of father's visitation per order of 11-7-03.

Guthrie

MG 00224

Petition for Termination of Guardianship

1. Father seeking termination, guardian objects.
2. CI report in file.
3. Results from drug tests in confidential envelope.

Tagle

MG 00340

Petition for Guardianship, person only, by maternal grandmother, minors 3 & 6

1. Temporary letters denied. Ordered parties to Family Court Services.
2. Appears father has custody of children. (??)
3. Need to file Notice of Hearing and Proof of Service. Need to include all grandparents, and Court Investigator.
4. Need FCS report.

McGarity
MPR 00572
OSC re: Further Sanctions/Accounting Review
Continued from 12-01-03.

1. Notice that attorney is dead and that Hart Ponder is seeking new counsel.
2. Matter originally set for accounting review on 10-27-03. Not filed and no appearance, so sanctions imposed. Not paid yet.
3. From 4th accounting heard on 12-09-02, accounting approved conditionally on the filing of bank statements within 30 days. Never filed. Reported had given "compassionate distribution" to widow and was unclear about what happened to estate. There had been a pending wrongful death case in Missouri.

Gitterman

MPR 00906

OSC re: Why No Filing of Accounting & Sanctions

Continued from 11-24-03. No appearance, so powers suspended. Citation served 12-16-03.

PRIOR NOTES BELOW:

1. On 7-7-03, Court imposed a \$1000 sanction on Maximillian Gitterman, and relieved him as administrator with will annexed, terminating his powers. There was no appearance by Maximillian Gitterman at this hearing.
2. On 8-6-03, Maximillian Gitterman submitted a declaration regarding his inability to appear at Court on 7-7-03. On 8-8-03, the Court issued a minute order denying the request to vacate sanctions and reinstate executorship.
3. Nothing new filed since then. See below for outstanding probate notes.
4. **On 10-20-03, Maximillian Gitterman was sanctioned \$1000, to be paid no later than 11-19-03. Not paid yet.**
5. **Only new filing is a creditor's claim from Franchise Tax Board for unpaid state taxes. Nothing new filed by Maximillian Gitterman.**

Gitterman
MPR 00906
Accounting Review

Continued from 1-13-03. No appearance, court gave notice. Court found no waiver of accounting and ordered that petitioners comply with notes. Nothing filed.

On 2-24-03, still no appearance and no corrections. OSC re: Sanctions set. Nothing new filed.

On 4-14-03, no appearance and nothing filed. Suggest have citation for OSC re: Failure to File Required Documents personally served on Maximillian Gitterman. Suspend powers.

On 5-19-03, Maximillian Gitterman appeared. He was ordered to file the Accounting he had with him, and order to file within 10 days a declaration regarding all that he has done with the monies and properties to date. NOTHING FILED.

Previous Notes:

1. On 8-19-02, attorney relieved.
2. On 8-26-02, Maximillian Gitterman, pro per, ordered to file an accounting report and declaration regarding what is happening with the case.
3. The report filed indicates that the accounting is waived. Each beneficiary needs to sign a document to that effect, and these waivers must be filed with the court. See Probate Code Section 10954.
4. If there is no waiver, and this is determined to be a "status report", then notice needs to be provided that meets the requirements of Probate Code Section 12201.
5. Need to provide proof of service on "accounting" filed with court on 10-28-02 to the other beneficiaries (sisters).
6. Estate not in a position to close yet because of outstanding real property. Possible sale.
7. Once issue of waiver of accounting is determined, then court needs to set another status review for 2-2-04. However, executor could file the Petition for Distribution prior to that time, if the estate is ready to close. This petition should follow Probate Code Sections 11600 and 11640 (and the other pertinent statutes in those sections).

Lawrence
MPR 00919
Accounting Review

Not filed yet.

Avalos

MPR 00951

OSC re: Filing of Receipts and Final Discharge

1. Receipts filed for a portion of the beneficiaries. Still missing from Richard Avalos, John Avalos, Cecilia Avalos, Estella Avalos, Esther Avalos, Grace Hernandez, and Juliet Patino.
2. Declaration filed by attorney regarding the sending of checks to each one and failure on their part to cooperate. Provides copy of the front side of the check, but not the back showing endorsement.

Ham
MPR 00984
Filing of Inventory & Appraisal

1. Filed, but does not include the bank and investment statements.

Taylor

MPR 01002

Report of Sale and Petition for Order Confirming Sale

1. Sale price was \$136,000, the amount of the reappraisal. OK
2. Deposit was \$5000. This is inadequate, must be 10% Local Rule 807.
3. Consent and waiver of additional bond filed by the specific devisee of property. OK
4. First overbid
5. Notice of Hearing needs to go to the broker expecting a fee from the sale. PC 10361.6.
6. Need to file proof of publication of Notice of Sale.

Greenlief
MPR 01060
OSC re: Dismissal

1. Continued from 12-01-03.
2. Attorney filed declaration indicating that document marked as "Partial" Inventory was really the "Final".
3. Attorney declaration indicates that bank statement for BofA account can be found in MPR00131. No bank statement available for Pacific Western. Does the attorney have copies of these statements which can be filed in this matter? Originals not required under the local rule.

Greenlief
MPR 01060
Petition for Approval of Final Report

Petition not in court file, just Proposed Order. Mis-filed?

Shetler

MPR 01079

First and Final Report & Petition for Distribution

1. Sole heir waives accounting.
2. Requesting statutory attorney and executor fees of \$19,101.41.
OK.
3. RFA. Will need to set hearing for the filing of receipts and order for final discharge for 01-10-05.

Tagle
MPR 01091
OSC re: Filing of Inventory & Appraisal

1. Not filed. Still need to file even if only asset is lawsuit.

Piffi

MPR 01140

Petition for Letters of Administration

1. Continued from 12-01-03 for correction of notes. All notes corrected.
2. Will waives bond.
3. RFA
4. Need to set date for the filing of Inventory & Appraisal for 6-7-04.
Set date for status report and/or accounting for 2-7-05.
Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.
5. Still need to file proposed Letters and Order.

Williams
MPR 01144
OSC re: Sanctions

1. Continued from 10-27-03 and 12-01-03 for correction of notes.
Nothing ever filed.
2. Need to file I & A which shows the value of the property is less than \$100,000 and that property tax certificate requirement has been satisfied.
3. Court set this OSC re: Sanctions against Attorney Liss (no appearance 12-1-03). Court may deny Petition to Determine Succession.

Hull
MPR 01179
Petition to Determine Succession

RFA. Need to submit corrected Order listing the address of trustee Wells Fargo.